

ESERVE 2

DC-21-16853

CAUSE NO. \_\_\_\_\_

CRYSTAL NEWSOM	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
VS.	§	OF DALLAS COUNTY, TEXAS
	§	
BULLS TRANSPORT, LLC AND	§	
ROBERT ROESTI	§	14th
	§	
<i>Defendants,</i>	§	____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CRYSTAL NEWSOM, ("Plaintiff"), complaining of BULLS TRANSPORT, LLC (Defendant "Owner") and ROBERT ROESTI (Defendant "Driver") and for cause of action and would respectfully show the Court as follows:

**I.**  
**DISCOVERY**

1. Plaintiff hereby requests that discovery will be conducted pursuant to Level 3.

**II.**  
**PARTIES AND SERVICE OF PROCESS**

2. Plaintiff CRYSTAL NEWSOM is an individual who resides in Dallas County, Texas.
3. BULLS TRANSPORT, LLC is a business duly authorized to conduct business in the State of Texas and may be served with process by serving its registered agent: Jagtar Singh, 6089 Maxfli Lane, Mason, Ohio, 44040.

**SERVICE IS REQUESTED UPON THIS DEFENDANT AT THIS TIME.**

**PLEASE REQUEST A FREE DEFENSE FROM YOUR INSURANCE  
COMPANY – AMTRUST NORTH AMERICA**

Your claims adjuster is Tracy Jackson,  
(214) 360-8466 – direct  
(877) 207-3119 ext. 8256  
Your Claim Number 3196706-2

4. Defendant ROBERT ROESTI (“Defendant”) is an individual residing in Heartland Texas and may be served with process at his residence of 2808 Zedaker, Youngtown, Ohio, 44502.

**SERVICE IS REQUESTED UPON THIS DEFENDANT AT THIS TIME.**

**PLEASE REQUEST A FREE DEFENSE FROM YOUR INSURANCE  
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**III.  
JURY DEMAND**

5. Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiff requests a jury trial on all issues triable by a jury.

**IV.  
JURISDICTION AND VENUE**

6. Pursuant to Section 24.007 of the Texas Government Code, this Court has jurisdiction over the subject matter of this cause. The amount in controversy is within the minimum jurisdictional limits of this Court.

7. Pursuant to Texas Civil Practices and Remedies Code Section 15.002, venue is proper in Dallas County, Texas because Dallas County, Texas is the county that the accident occurred in.

**V.  
FACTUAL BACKGROUND**

8. On or about January 16, 2020, the Plaintiff was driving behind the Defendant Driver in Keller, Texas on Keller Parkway (also known as FM 1709), when the Defendant Driver stopped

his tractor trailer. The Plaintiff thought that the Defendant Driver was going to execute a turn and it was at this time that the Defendant Driver put his tractor in reverse and slammed into the front of the Plaintiff's vehicle, despite the Plaintiff hitting her horn repeatedly. The Defendant Driver, who was backing up out of a parking spot failed to see the Plaintiff's vehicle, striking it causing both her medical and property damages. The police officer's body cam captured the Defendant Driver's confession at the accident scene. The Defendant Driver was acting in the course and scope of his employment with Defendant BULL TRANSPORT, LLC and as such, Defendant Owner is responsible for the negligent acts and/or omissions of its employee, the Defendant Driver under the Doctrine of *Respondeat Superior*.

**VI.**  
**NEGLIGENCE**

9. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 8 above.

10. The Defendant Driver was under a duty of care to CRYSTAL NEWSOME:

11. The Defendant Driver breached his duty of care in one or more of the following respects:

- a. In failing to exercise ordinary care to avoid a foreseeable risk of injury to others;
- b. In failing to take affirmative action to control or avoid increasing the danger from a condition that has been at least partially created by Defendants' conduct;
- c. In failing to ensure that he operated his vehicle in safe manner;
- d. The Defendant Driver is guilty of violating section 545.351 which states: "**An operator may not drive at a speed greater than is reasonable and prudent under the existing circumstance ... An operator shall control the speed of the vehicle as necessary to avoid colliding with another vehicle...**";
- e. The Defendant Drive is also guilty of violating §545.415 of the Tex. Transp. Code which states that: "**An operator may not back the vehicle unless the movement can be made safely and without interference with other traffic.**" **and/or**

- f. The Defendant Driver is also guilty of violating §545.402 of the Tex. Transp. Code which states that: **“An operator may not begin movement of a stopped, standing, or parked vehicle unless the movement can be made safely.”**

12. The severe and permanent injuries and damages that CRYSTAL NEWSOME sustained as a result of the incident in question proximately resulted due to the negligence Defendant as enumerated above.

13. All of the above acts, wrongs and/or omissions, as well as various other acts, wrongs, and/or omissions on the part of the Defendants amounted to negligence, either individually or in the aggregate, jointly and severely, and was the proximate cause(s) of the resulting damages sustained by Plaintiff.

**VII.**  
**PLAINTIFF’S DAMAGES - RULE 47**

14. Plaintiff refers to all the preceding and subsequent pleadings in this petition and incorporates them herein by this reference for all purposes.

15. Pursuant to the provisions of Rule 47 of the Texas Rules of Civil Procedure, Plaintiff alleges the damages sought by Plaintiff are within the jurisdictional limits of the Court and Plaintiff seeks monetary relief over \$1,000,000.00

**VIII.**  
**PROXIMATE CAUSE**

16. The accident and the ensuing damages and personal injuries sustained by the Plaintiff was proximately caused by various acts, wrongs, and/or omissions on the part of the Defendants and each and all of said acts, wrongs, and/or omissions amounted to negligence on the part of the above-named Defendants.

**IX.**  
**DOCUMENTS TO BE USED**

17. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff intends to use all documents exchanged and/or produced between, by, or among any parties in this matter, including but not limited to, correspondence, discovery responses, and records (obtained via depositions upon written questions, by subpoena, by affidavit, or otherwise), during the trial of the above-entitled and numbered cause. Moreover, Defendants are put on notice not to destroy any evidence, including, but not limited to reports, files, inter-office emails, intra-office emails, e-mails from the store from the corporate office, and/or any communication whatsoever related this incident.

**X.**  
**PRAYER**

WHEREFORE PREMISES CONSIDERED, Plaintiff asks that the Court issue citation for Defendants to appear and answer, and that Plaintiff be awarded a judgment against Defendant for the following:

- a. Judgment against Defendants for damages as pled or otherwise, both general and special;
- b. Past and future medical care;
- c. Past and future permanent impairment;
- d. Past and future permanent disfigurement;
- e. Past and future pain and suffering and mental anguish that naturally and foreseeably accompany a personal injury claim;
- f. Past and future lost wages and earning capacity;
- g. Pre-judgment and post-judgment legal interest as provided by law;
- h. Costs of court; and

- i. Such other and further relief, both general and special, at law or in equity, to which Plaintiff may show herself justly entitled.

Respectfully submitted,

**The LIDJI Firm**

/s/ I. Scott Lidji

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